THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4347 OF 2006

Dated: 06-03-2006

Between

Tathi V.P.G.S. Lakshmi,

W/o. K.V.P. Madhava Rao,

R/o. Eluru, West Godavari

District.

...PETITONER

AND

The Mandal Revenue Officer,

Eluru Mandal, Eluru,

West Godavari District and

another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to direct the respondents not to interfere with her Xerox Shop situated behind the Shopping Complex of S.C. Corporation abutting the Ashok Nagar Road of Eluru Town by declaring that the respondents have no jurisdiction to evict the petitioner from the site in question.

Learned counsel for the petitioner submits that the petitioner has been running a

small Xerox Shop in name of Mytri Type Center for the last five years in a small site of 15 Sq. yards, which is a poramboke site of Eluru Municipality situated abutting the Ashok Nagar Road behind the Shopping Complex of S.C. Corporation and the municipality has been collecting the fee/rent for every six months. While so, the respondents are trying to remove the said shop and evict the petitioner without following due process of law and without giving any notice. He further submits that the second respondent has no jurisdiction or authority to interfere with the said shop of the petitioner.

If the first respondent requires the said land he shall follow the due procedure prescribed under the Land Encroachment Act or any other relevant provision of law but without issuing any notice and without giving any reasonable opportunity to the petitioner the respondents cannot dispossess the petitioner high-handedly.

Having regard to the facts and circumstances of the case,
the first respondent or the municipality, as the case may be, is at liberty to follow due procedure prescribed in law before dispossessing or evicting the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 6, 2006

Note: Furnish C.C. of the order by 07.03.2006

(**B/o**)

DSK